

Appl. No.: 10/689,372
Amdt. dated 06/20/2005
Reply to Office action of December 20, 2004

REMARKS/ARGUMENTS

Applicant thanks the Examiner for a thorough review of the above-referenced application and for the courtesies extended to the undersigned during the telephonic conference on March 1, 2005. Applicant has amended independent Claims 1, 13 and 36 to more clearly define the invention, as discussed during the interview and as explained more fully below. Applicant has also amended Claims 1-37, 39, and 41-42 to correct typographical errors, more clearly define the invention, and to clarify what elements of the invention are being claimed. Applicants have cancelled Claims 38 and 40. Applicants request reconsideration of Claims 1-37, 39, and 41-42 in view of the Amendments and Remarks set forth herein, which Applicant considers to be a summary of the matters discussed during the interview.

Invention

The present invention provides a container, system and method for storing food and displaying information relating to the food, such as the production date and expiration date. According to one embodiment of the invention, as recited in amended independent Claim 1, there is provided a stackable food storage container structured to display information provided on a display token, comprising a bottom wall and a peripheral wall having inner and outer surfaces. The peripheral wall has a top end and a bottom end that adjoins the bottom wall. The peripheral wall and the bottom wall define a storage area for food. The container includes a display window extending from the outer surface of the peripheral wall, the display window having first and second sidewalls and a wall spaced away from the outer surface of the peripheral wall to define a partially enclosed gap therebetween structured to receive the display token.

According to another embodiment of the invention, as recited in amended independent Claim 13, there is provided a food storage container and information display system, comprising a bottom wall and a peripheral wall having inner and outer surfaces. The peripheral wall has a top end and a bottom end that adjoins the bottom wall. The peripheral wall and bottom wall define a storage area for receiving food. The container further includes a display window extending from the peripheral wall, the display window having first and second sidewalls and a

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wall spaced away from the peripheral wall to define a partially enclosed gap therebetween. The system also includes at least one display token adapted for removable insertion into the gap defined by the display window, the first and second sidewalls and the peripheral wall, wherein the at least one display token is visible through at least one of the wall of the display window and the peripheral wall.

According to yet another embodiment of the present invention, as recited in amended independent Claim 36, there is provided a method of storing food, comprising storing the food in a container, the container having a peripheral wall and a display window extending from the peripheral wall, the display window having first and second sidewalls and a wall spaced away from the peripheral wall to define a partially enclosed gap therebetween. The method includes selecting a display token corresponding to information pertaining to the food; and inserting the display token in the gap defined by the display window and first and second sidewalls positioned on the peripheral wall of the container such that the display token is visible through at least one of the display window and the peripheral wall of the container.

Conventional containers, system and methods for storing food and determining the spoilage date of a particular food item includes placing a color-coded adhesive label on the outside of the container. There are several disadvantages to such conventional containers, systems and methods. For example, additional stickers can fraudulently be placed over the original sticker to change the original "made on" date of the food item. The adhesive labels are also difficult to remove, as a label with only limited adhesiveness would come off too easily when the container is placed in hot or cold environments, and particularly when the container is submerged in liquid, such as in a steam table or the like; Thus, the labels often leave a sticky residue on the outer surface of the food container, and the adhesive typically remains on the container even after washing in industrial washer machines. Most health code regulations forbid such residue after completing an industrial washing, and thus health code violations result unless extra time is spent with solvent or the like to remove the adhesive residue left by the labels. This creates added cost and complexity to the washing process, and also introduces dangerous solvents and other chemicals around food, which is dangerous to consumers and food service workers. Another disadvantage of introducing solvents is that the solvents damage the

Appl. No.: 10/689,372
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containers by causing a transparent or translucent container to cloud, which creates a poor visual impression. The clouding is further increased if abrasives are used with the solvent to scrape the adhesive from the container. Another disadvantage to conventional containers, systems and methods is that the adhesive labels are not reusable, as a majority of the labels are washed off during the industrial washing process or by hand. Because the labels cannot be reused, they are purchased by the thousands on rolls of release paper and are stored in the kitchen area so that the labels can be applied to the hundreds of containers typically found in most food service locations. These rolls of adhesive labels cause a further problem in that the rolls are typically thrown about the kitchen area, with discarded release paper and old labels being discarded randomly and creating a sanitary and visual problem.

Given these limitations of conventional containers, system and methods for storing food and determining the spoilage date of a particular food items, it is believed that the inventor of the present invention is the first to have provided a container, system and method enabling the use of a reusable display token that is removably inserted into a partially enclosed gap defined by a display window and first and second sidewalls positioned on the peripheral wall of the container. The display token of the present invention has no adhesives and leaves no residue on the container, and is designed to sink in water such that the token does not float when the token and container are submerged in hot or cold liquids. In addition, the display token cannot be removed from the partially enclosed gap (without considerable effort and/or fraudulent intent) unless the container, and presumably the contents stored therein, are substantially inverted, which prevents mixing of new and old food and discourages fraud. Furthermore, the display token of the present invention can be washed and reused, thereby eliminating waste and improving efficiency.

Consideration Of Previously Submitted Information Disclosure Statement

It is noted that a copy of the PTO Form 1449 that was submitted with Applicant's Information Disclosure Statement filed October 20, 2003 was returned to Applicant's representative with the Office Action, but that none of the references (nos. 1-19) cited on PTO Form 1449 were initialed by the Examiner. Applicant notes that the Information Disclosure Statement was signed by the Examiner and that the Office Action indicates that the Information

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Disclosure Statement was considered. To avoid any misunderstanding as to whether all of the references (nos. 1-19) cited on the PTO Form 1449 were considered by the Examiner, Applicant respectfully requests that the Examiner confirm that all of the cited references were considered by initialing the PTO Form 1449 beside each reference, where indicated, and that the initialed Form 1449 be forwarded to the undersigned with the next communication from the PTO. Applicant apologizes for any inconvenience this may cause.

The Rejections Directed to Claims 1-7, 9-37, 39, and 41-42 Should be Withdrawn

The Office Action rejected Claims 1-7, 9-11, 13-22, 24-25, 29-30, and 34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,362,244 to Cornou. The Office Action rejected Claims 12, 26-28, 31-33, 35-42 under 35 U.S.C. § 103(a) as being unpatentable over the Cornou '244 patent, as applied to independent Claims 1 and 13. Applicant notes that the rejection of Claims 38 and 40 is moot, as these claims have been cancelled.

Regarding the rejections of Claims 1-7, 9-22, 24-37, 39, and 41-42 under 35 U.S.C. §§ 102(b) and 103(a), respectively, based upon the Cornou '244 patent, the scope of the Cornou '244 patent was discussed during the interview. As noted by Applicant, the Cornou '244 patent discloses a nestable container having a bottom extension 9 and a tongue 10 structured to hold an identifying card. However, as submitted by Applicant's representative during the interview, the Cornou '244 patent does not teach or suggest, either alone or in combination, a container that includes a display window extending from the outer surface of a peripheral wall, the display window having first and second sidewalls and a wall spaced away from the outer surface of the peripheral wall to define a partially enclosed gap therebetween structured to receive a display token. Instead, the Cornou '244 patent discloses that "[w]hen projections are provided to protect the indicia they limit the depth of nesting of the two containers" and that "projections from the lower surface of the container tend to be very fragile and are easily broken off." (See Col. 1, ll. 66-68 to Col. 2, ll. 1-3). Accordingly, as discussed during the interview, Applicant has amended independent Claims 1, 13, and 36 to recite that the container includes a display window extending from the outer surface of a peripheral wall, the display window having first and second

Appl. No.: 10/689,372
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sidewalls and a wall spaced away from the outer surface of the peripheral wall to define a partially enclosed gap therebetween structured to receive a display token.

Applicant submits that independent Claims 1, 13, and 36 as amended, and the claims depending therefrom, include recitations which patentably distinguish the claimed invention over the cited references. Accordingly, Applicant respectfully requests that the rejections directed to Claims 1-7, 9-22, 24-37, 39, and 41-42 be withdrawn.

* * * * *

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

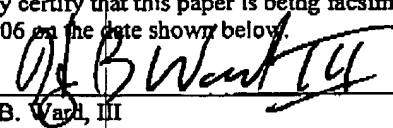
Respectfully submitted,


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


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12 of 12

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